

NOTICE OF APPEAL CHECK LIST

CIVIL APPEALS

RETAINED ATTORNEYS (NON-PRISONER)

A retained attorney who is filing an appeal from a civil case must file the following:

1. Notice of Appeal.
2. \$255.00 fee

If the attorney has a credit card on file with the court, the appeal may be filed through ECF. If a credit card is not on file with the court, it must be filed in paper form with the fee.

If the attorney was retained for the civil case, but the party wishes to proceed on appeal in forma pauperis, the following is required:

1. Notice of Appeal
2. Motion To Proceed In Forma Pauperis on Appeal
3. A Financial Affidavit (CJA Form 23) with Verification of Signed Original Form

The motion to proceed in forma pauperis on appeal will be ruled by the presiding judge.

APPOINTED ATTORNEYS (NON-PRISONER)

Appointed attorneys refer to Local Rule 12.07 for attorney obligations concerning appeals. To file an appeal in a non-prisoner civil case, appointed counsel must file a Notice of Appeal. The Notice of Appeal should be filed through ECF.

CRIMINAL APPEALS

The following is required when filing a criminal appeal:

1. Criminal Notice of Appeal Form
2. \$255.00 Notice of Appeal Fee
or Motion To Proceed In Forma Pauperis on Appeal with a Financial Affidavit (CJA Form 23)

If the defendant has appointed counsel, the Motion To Proceed In Forma Pauperis on Appeal and a Financial Affidavit (CJA Form 23) does not need to be filed.

If a defendant has retained counsel, but seeks to proceed in forma pauperis on appeal, a Motion To Proceed In Forma Pauperis on Appeal with a Financial Affidavit (CJA Form 23) must be completed by the defendant and filed with the court with the Verification of Signed Original Form. This motion is ruled by the presiding judge.

PRISONER APPEALS

HABEAS PRISONER NOTICE OF APPEAL^{*}

Habeas petitioners, if previously granted leave to proceed In Forma Pauperis, may file the Notice of Appeal without the filing fee or Motion To Proceed In Forma Pauperis.

Habeas petitioners who paid the Petition For Writ of Habeas Corpus fee for a state court 28 § 2254, should submit a Motion To Proceed In Forma Pauperis or the \$255.00 Notice of Appeal fee.

(If the Court has not already made a determination as to whether a certificate of appealability shall issue upon the denial of habeas relief, the Court will make that determination upon the petitioner's filing of a Notice of Appeal.)

NON-HABEAS PRISONER NOTICE OF APPEAL

A prisoner who is filing an appeal for a non-habeas civil case must file the following:

1. Notice of Appeal
2. \$255.00 Notice of Appeal fee

or Motion to Proceed In forma Pauperis on Appeal form and a copy of the prisoner's inmate account statement

^{*}“Habeas” as used in this check list refers to both habeas petitions filed pursuant to 28 U.S.C. § 2254 by state prisoners and Motions To Vacate/Set Aside/or Correct Sentence filed pursuant to 28 U.S.C. § 2255 by federal prisoners.

PRO SE NOTICE OF APPEALS (Non-Prisoner)

A pro se party who was granted in forma pauperis status in a non-prisoner case only has to file a Notice of Appeal.

A pro se party who is filing an appeal and paid the original case filing fee, must file the following:

1. Notice of Appeal
2. \$255.00 Notice of Appeal fee

or

Motion to Proceed In Forma Pauperis on Appeal and a Financial Affidavit
(CJA Form 23)